

REMARKS

In the Office Action, claims 1 and 26-72 are pending and a restriction has been requested. More specifically, Applicants have been requested to elect one of the following inventions:

Group I – Claims 1 and 26-35, 43-53 and 61-63 drawn to a process for the production of an aqueous silica sol, classified in class 516, subclass 78; and

Group II – Claims 36-42, 54-60 and 64-72 drawn to silica sols, classified in class 516, subclass 78.

Applicants provisionally elect Group I, with traverse.

To support a request for restriction, it must be shown that (1) the claims are directed to independent or distinct inventions and (2) there would be a burden to the Patent Office to examine the claims in a single application.

The silica sols of claims 36-42, 54-60 and 64-71 in Group II are obtained by the processes of claims 1, 26-35, 43-53, and 61-63 in Group I, respectively. For example, if the silica sol of independent Claim 36 is compared to the silica sol obtained by the process of independent Claim 1, it can be seen that the silica sol obtained by steps (a), (b), (c) and (d) of claim 36 is the same silica sol as the one produced by the process steps (a), (b), (c) and (d) of claim 1. The same argument applies to the aqueous sol of independent Claim 54 vs. the process of independent Claim 43, and for the aqueous sol of independent Claims 64 vs. the process of independent Claim 61. Thus, it is not possible to produce different products by the above-referenced claimed processes nor is it possible that different processes can produce the above-referenced claimed products.

Further, all of the claims in both Group I and Group II are within the same classification (class 516, subclass 78) and the same field of search. As the claims are related to each other as processes and the products made by such processes, there is no recognized divergent subject matter and the claims would instead be recognized as having the same, not separate, status in the art.

Applicants respectfully assert that there would not be a burden to the Patent Office to examine all of the claims of Group I and II together.

For the reasons set forth above, Applicants respectfully assert that the restriction for examination be withdrawn.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that the Examiner deems a call desirable:

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Respectfully submitted,
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